IN THE HIGH COURT OF JUDICATURE AT BOMBAY

ORDINARY ORIGINAL CIVIL JURISDICTION

SUIT NO. 379 OF 1982

Bank of Baroda .. Plaintiffs.

vs.

N.S. Sadiwala .. Defendant.

Mr. D.S. Peranjape for plaintiffs.

None for Defendants.

CORAM : S.U.KAMDAR, J.

DATE : 23rd February, 2006.

P.C.

. The present suit is filed for recovery of a sum of Rs. 74,449.22. arising out of cash credit account and interest thereon. The plaintiffs are also claiming further interest from the date of the suit till payment and/or realisation at the rate of 18.35% per annum on the said sum of Rs. 74,449.22. There is also claim by the plaintiffs for a sum of Rs. 15,069.07 arising at the foot of the current account as due and payable by the defendant to the plaintiffs. The plaintiffs have advanced the loan against hypothecation of goods. The defendants have also executed hypothecation agreement, demand promissory note and hypothecation of book debts.

The defendants are served. Written statement has been filed. Advocate Ajay Desai was appearing. He expired and accordingly a fresh notice was served to the defendants. However, the said packet has come back as not known as nobody has been found in the premises. In the light of the above, suit is decreed in terms of prayer clauses (a) and (b). Refund of Court fee as per rules.